

[ADMINISTRATIVE ORDER NO. 35, September 21, 1987]

SUSPENDING MR. MANOLITO C. ESPINO FROM OFFICE AS ASSISTANT PROVINCIAL FISCAL OF RIZAL.

This refers to the administrative complaint filed by Genaro Caballegan and Elsa Gelito against Rizal Assistant Provincial Fiscal Manolito C. Espino for negligence, inaction and acts inimical to public interest.

Complainants' administrative complaint revolves mainly on the failure of Fiscal Espino to resolve I.S. No. 77-9877 for more than one year, which complaint was filed on September 5, 1977, against Angelo Leynes, et al., for trespass to dwelling, theft, damage to property, grave coercion, usurpation of public function and violation of Presidential Decree No. 20.

In his answer, Fiscal Espino did not dispute that he failed to resolve the case within one year as alleged by complainants. In fact, in a subsequent letter-explanation, dated December 22, 1980, the said Fiscal admitted that he resolved I.S. No. 77-9877 only on December 29, 1979, or after a lapse of more than two (2) years from the date the same was filed. He explained, however, that the delay was caused by the volume of work consisting of preliminary investigations in the morning and hearings before the court in the afternoon, coupled with the task of conducting ocular inspections in some cases; by his lack of stenographer and typewriter, which hampered the resolution of cases investigated by him; and, with respect to I.S. No. 77-9877, by the fact that he was waiting for the respective memoranda of the parties, which the latter manifested they would submit after the clarificatory investigation.

On December 9, 1981, the then Minister (now Secretary) of Justice recommended that respondent be suspended for fifteen (15) days without pay. On December 9, 1986, the then Deputy Minister (now Undersecretary) of Justice reiterated the foregoing recommendation.

WHEREFORE, and as recommended by the Secretary of Justice, in which I fully concur, Mr. Manolito C. Espino is hereby suspended from office as Assistant Provincial Fiscal of Rizal for a period of fifteen (15) days without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 21st day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President: